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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/518,264	03/03/2000	Seiji Kozaki	1163-0266P	7506
7590	07/02/2003			
Birch Stewart Kolasch & Birch P O Box 747 Falls Church, VA 22040-0747			EXAMINER	
			JONES, PRENELL P	
		ART UNIT	PAPER NUMBER	
		2667		
		DATE MAILED: 07/02/2003		
		JJ		

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No. <b>09/518,264</b>	Applicant(s) <b>Kozaki et al.</b>
Examiner <b>Prenell Jones</b>	Art Unit <b>2664</b>



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

1)  Responsive to communication(s) filed on Mar 3, 2000

2a)  This action is FINAL.      2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

### Disposition of Claims

4)  Claim(s) 1-19 is/are pending in the application.

4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-4 and 12-19 is/are rejected.

7)  Claim(s) 5-11 is/are objected to.

8)  Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are a)  accepted or b)  objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)  The proposed drawing correction filed on \_\_\_\_\_ is: a)  approved b)  disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.

12)  The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

13)  Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)  All b)  Some\* c)  None of:

1.  Certified copies of the priority documents have been received.
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

14)  Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a)  The translation of the foreign language provisional application has been received.

15)  Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

1)  Notice of References Cited (PTO-892)

2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)  Information Disclosure Statement(s) (PTO-1449) Paper No(s). 5, 9, 1C

4)  Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_

5)  Notice of Informal Patent Application (PTO-152)

6)  Other: \_\_\_\_\_

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***Claim Rejections - 35 U.S.C. § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 12-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Regarding claim 12, Applicant is claiming on page 58, line 15, "a switching circuit for carrying out shifting and switching *by the most likely shift amount selected*" which is unclear to Examiner as to what Applicant is claiming. Claims 13-18 depend on claim 12, therefore, claims 13-18 are rejected as well.

***Claim Rejections - 35 U.S.C. § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various

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claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103© and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1-4 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Obana et al in view of Johannes et al and Yu.

Regarding claims 1-4 and 19, Obana discloses (Abstract, Figures 2, 9 and 10, page 2, line 13 thru page 4, line 34) digital signal multiplexer system that performs multiplexing and demultiplexing and includes a plurality of STS-1 signals (tributary signals), multiplexing circuits, STS-1 signals corresponding to channel and (page 3, line 23-35) identification pattern used for detection, (page 18, line 5-20) synchronizing pattern detection signal, (page 2, line 1 thru page 4, line 34) comparing identification patterns, (page 10, line 3-35) receiving of multiplexed tributary signals associated with n intervals (fixed intervals). However, Obana is silent on an main signal path, tributary signals traveling via multiple upstream/downstream paths and unique identification codes. In analogous art, Johannes discloses (Abstract, Fig. 4, 6, 7& 8, col. 1, line 5-55, col. 2, line 1-34) multiplexing plurality of tributary signals associated with (col. 5, line 1-57, col. 7, line 1 thru col. 8, line 55) a main data stream (main line signal/main signal path), guard intervals

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between tributary lines/tributary circuits, (col. 5, line 1-57) outgoing/incoming tributary signal streams, (col. 8, line col. 10, line 46-68) framer detects the unique identification word pattern of each tributary signal, and Yu discloses (Figs. 1-4, col. 5, line 16 thru col. 6, line 40 thru col. 8, line 65) multiplexer/demultiplexer associated with a two-way audio/video communication network that includes plurality of upstream channels and plurality downstream channels, (col. 7, line 25 thru col. 8, line 54, col. 15, line 18 thru col. 17, line 40) a cable distribution network with is of a tributary structure and transmission performed on originating side. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have been motivated to implement using a main signal path and multiple paths for communicating data as well as utilizing individualized identification codes as taught by Johannes and Yu with the teachings of Obana for the purpose of providing reliable and manageable accessibility associated with communicating multiplexed signals (tributary signals) in a communication system.

*Allowable Subject Matter*

5. Claims 5-11 are allowed over prior art.
6. Claims 5-11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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Regarding claim 5, the limitation, "a code phase difference decision circuit for comparing the identification cod extracted by code extraction circuit with a predetermined identification code assigned to at least one of plurality of receiving tributary circuits to output a difference result" is absent from the art. Claims 6-11 depend on claim 5, therefore, claims 6-11 are objected to as well.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Prenell Jones whose telephone number is (703) 305-0630. The examiner can normally be reached on Monday thru Friday from 8:00 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin, can be reached on (703) 305-4366. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Prenell Jones

June 23, 2008

KWANG BIN YAO  
PRIMARY EXAMINER  
